

NOV 18 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)BLAIR STERLING JOHNSON
MOODY MARTINEZ & LEON GUERRERO
A PROFESSIONAL CORPORATION1008 PACIFIC NEWS BUILDING
238 ARCHBISHOP F.C. FLORES STREET
HAGATNA, GUAM 96910
TELEPHONE 477-7857BY: **THOMAS C. STERLING***Attorneys for Petitioner***IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS**PETITION FOR ORDER)
CLASSIFYING MRS. FOO MEE)
CHUN CLINARD AS A)
"PROFESSIONALLY QUALIFIED")
INTERPRETER IN THE CHINESE)
LANGUAGE (CANTONESE, HAKKA)
AND MANDARIN),)
Petitioner.)

MISCELLANEOUS CASE NO.

— **05 - 00144****PETITION**

Petitioner, **MRS. FOO MEE CHUN CLINARD** petitions this Court for an Order Classifying her as a "Professionally Qualified" Interpreter in the Chinese language (Cantonese, Hakka and Mandarin) and states as follows:

1. The Petitioner has already herefore been qualified as a "language skilled interpreter" in District Court of Guam Miscellaneous Case No. 92-0033. A copy of the Federal Court Interpreter Information Sheet from the Administrative Office

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2 of the United States Court is attached hereto as Exhibit "A".
3 As can be seen, there are three classes or categories of
4 interpreters: (1) Certified Interpreters; (2) Professionally
5 Qualified Interpreters; and Language-Skilled Interpreters.
6 Petitioner believes that she is entitled to be designated as
7 a "Professionally Qualified" Interpreter because of her
8 experience all as set forth in the Resume of Foo Mee Chun
9 "Mimi" Clinard, a copy of which is attached hereto marked as
10 Exhibit "B" and incorporated herein by this reference. The
11 specific language Petitioner relies on is as follows:
12

13 "Professionally Qualified" Interpreters. There
14 are two ways in which one can be designated as
15 "professionally qualified". An individual with
16 previous employment as a conference or seminar
17 interpreter with any United States agency or
with the United Nations or a similar entity may
be deemed "professionally qualified" if the
condition for employment includes successfully
passing an interpreter examination. . ."

18 2. Petitioner is informed and believes and upon such
19 information and belief alleges that Berlitz Global Net
20 entered into a nationwide contract with the United States
21 Department of Justice, Executive Office for Immigration
22 Review, Office of the Chief Immigration Judge. In order to
23 qualify as a subcontractor for Berlitz, Petitioner was
24 required to meet the following requirements: (1) Be a U.S.
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2 Citizen or Permanent Resident; (2) Complete a Statement of
3 Eligibility Form; (3) Pass the language evaluation with a
4 test score of 70% or higher; (4) Attend and complete a Pre-
5 Assignment Viewing; and (5) Complete the phone-based
6 Interpreter Briefing. Petitioner successfully met all of the
7 qualifications set forth above, specifically, including
8 passing the language evaluation that was conducted by Berlitz
9 Global Net.

10 3. The current fees for "Professionally Qualified"
11 interpreters are greater than the fees for "Language-Skilled"
12 interpreters. See Exhibit "C" attached hereto and
13 incorporated herein.
14

15 4. Petitioner is informed and believes that the
16 nationwide Berlitz contract has been taken over by Bowne
17 Global Solutions Interpretation Services approximately two
18 years ago. A copy of Petitioner's Interpreter Identification
19 Badge for Bowne Global is attached hereto as Exhibit "D" and
20 incorporated herein. Petitioner continues to serve as an
21 interpreter for the Office of Chief Immigration Judge.

22 5. Petitioner is certain that she has met the
23 requirements to be designated as a "Professionally Qualified"
24 Interpreter.
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2 6. The last paragraph of the Administrative Office of
3 the United States Federal Court Interpreter Program, Federal
4 Court Interpreter Information Sheet (Exhibit "A") states as
5 follows:

6 For other languages, individuals may contact
7 local federal courts to determine if that Court
8 has the need for the language of expertise. To
9 be considered as a "professionally qualified"
10 interpreter, an individual must submit a resume
11 to the Court, detailing education, training,
12 experience, current telephone number and mailing
13 address and when applicable, membership,
14 accreditations as described above. The local
15 federal court will determine on a case-by-case
16 basis whether the prospective interpreter is
17 either "professionally qualified" or "language-
18 skilled".

19
20 **WHEREFORE**, Petitioner, respectfully requests the above-
21 referenced Court for an order classifying her as a
22 "professionally qualified" interpreter in the Chinese
23 languages of Cantonese, Hakka and Mandarin.

24 **RESPECTFULLY SUBMITTED** this 11th day of November, 2005.

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SUBMITTED BY:

BLAIR STERLING JOHNSON
MOODY MARTINEZ & LEON GUERRERO
A PROFESSIONAL CORPORATION

BY: 
THOMAS C. STERLING (CNMI BAR NO. F0127)
Attorneys for Petitioner


FOO MEE CCHUN "MIMI" CLINARD

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**ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS
FEDERAL COURT INTERPRETER PROGRAM**

FEDERAL COURT INTERPRETER INFORMATION SHEET

The Court Interpreters Act, 28 U.S.C. § 1827, requires the Director of the Administrative Office of the United States Courts to prescribe, determine, and certify the qualifications of persons who serve as certified interpreters in federal courts when the Director considers such certification to be merited for either persons who are hearing impaired (whether or not they also are speech impaired) or persons who speak only or primarily a language other than English. The use of competent federal court interpreters in proceedings involving speakers of languages other than English is critical to ensure that justice is carried out fairly for defendants and other stakeholders.

The professional knowledge, skills, and abilities required of a federal court interpreter are highly complex. The interpreter must be not only highly proficient in both English and the foreign language but also impartial. Most important, an interpreter must be able to accurately and idiomatically render the message from the source language into the receptor language without any additions, omissions or other misleading factors that in any way alter the intended meaning of the message from the source language speaker. Communication in courtroom proceedings may be more complex than that in other settings or in everyday life. For example, the parties involved may use specialized and legal terminology, formal and informal registers, dialect and jargon, varieties in language and nuances of meaning. The interpreter must be equally adept at simultaneous interpretation, which is the most frequent form of interpretation used in the courtroom, and in consecutive interpretation and sight translation. The interpreter must possess excellent public speaking skills, including appropriate delivery and poise, and exude the highest professional standards for courtroom demeanor and professional conduct. The constant interplay of all these factors in the courtroom makes the interpreter's task exceptionally difficult.

The single greatest operational requirement in the federal courts is for Spanish-language interpreters. However, there is also a need for interpreters in other languages, including Chinese (Mandarin, Cantonese, and Foochow), Vietnamese, Korean, Russian, and Arabic. The need for specific language interpreters is determined by the local district courts and not by the Administrative Office. However, in accordance with the Court Interpreters Act, the Administrative Office prescribes the standards and guidelines for selecting and using interpreters in federal court proceedings.

The Administrative Office classifies three categories of interpreters:

- **Certified interpreters.** Certified interpreters have passed the Administrative Office certification examination. To date, certification programs have been developed for Spanish, Navajo and Haitian-Creole. In these languages, the courts will only select from available interpreters those who have met the Administrative Office's criteria for certification. The Administrative Office's certification examination is administered in two phases and includes written and oral tests that, among other things, measure a candidate's ability to accurately perform simultaneous as well as consecutive interpretation and sight translations as encountered in the federal courts.

In languages other than Spanish, Navajo and Haitian-Creole, interpreters are designated as "professionally qualified" or "language skilled."

- **"Professionally qualified" interpreters.** There are two ways in which one can be designated as "professionally qualified." An individual with previous employment as a conference or seminar interpreter with any United States agency or with the United Nations or a similar entity may be deemed "professionally qualified" if the condition for employment includes successfully passing an interpreter examination. Another way to be deemed "professionally qualified" is to be a member in good standing in a professional interpreter association that requires a minimum of 50 hours of

EXHIBIT "A"

conference interpreting experience in the language(s) of expertise and the sponsorship of three active members of the same association who have been members for at least two years and whose language(s) are the same as the applicant's, and who will attest to having witnessed the applicant's performance and to the accuracy of the statements on the application. Individuals who can demonstrate to the local court that they are eligible in either of these two ways can be classified as "professionally qualified."

- **Language-skilled interpreters.** Interpreters who are not certified (Spanish, Navajo, or Haitian-Creole) or considered "professionally qualified," as described above, but who can demonstrate to the satisfaction of the court their ability to effectively interpret from the foreign language into English and vice versa in court proceedings, can be classified as "language skilled" interpreters.

Certified and "professionally qualified" interpreters are paid at a higher rate than "language-skilled" interpreters.

Individuals who are interested in becoming federal court interpreters in Spanish, Navajo or Haitian-Creole must successfully pass the federal court interpreter test battery. For other languages, individuals may contact local federal courts to determine if that court has a need for the language of expertise. To be considered as a "professionally qualified" interpreter, an individual must submit a resume to the court, detailing education, training experience, current telephone number and mailing address, and when applicable, membership accreditations as described above. The local federal court will determine on a case-by-case basis whether the prospective interpreter is either "professionally qualified" or "language skilled."

[Return to Federal Court Interpreter Program Home Page](#)

**RESUME
OF**

FOO MEE CHUN "MIMI" CLINARD

MAILING ADDRESS: P.O. BOX 6263
Tamuning
Guam 96931

CONTACT INFORMATION:

Telephone: (671) 649-0221
Facsimile: (671) 649-2565
Cell: (671) 788-8053
Pager: (671) 721-4252

PERSONAL DATA:

Born: July 3, 1955 in Malaysia
Marital Status: Widow
Citizenship: U.S.A. – Naturalized 1990, Guam
Languages fluent in: Hakka, Mandarin & Cantonese
Fairly well: Melayu and Indonesia

EDUCATIONAL BACKGROUND:

2003: Bachelor of Science in Criminal Justice, University of Guam
Completed 18 credit hours of graduate studies, University of Guam

2002: Certificate as a Paralegal, University of Guam

1995: Guam Community College

1992-1996: North American Correspondence School
Diploma in Legal Secretary

1976-1986: University of Malaya
Pre-School Teaching Curriculum

WORK EXPERIENCE AS AN INTERPRETER:

From approximately 1988 to the present was On Call Interpreter for the following:

- * District Court of Guam
- * United States District Court for the Northern Mariana Islands
- * Pre-Trial and Probation Office
- * U.S. Marshal
- * U.S. Fisheries

**RESUME OF *FOO MEE*
CHUN "MIMI" CLINARD
PAGE 2**

- * U.S. Department of Labor
- * Superior Court of Guam
- * Immigration and Custom Enforcement
- * U.S. Drug Enforcement Agency

1992:

Was classified as Language-Skilled Interpreter by the District Court of Guam in Miscellaneous Case No. 92-0033

1994:

Was a Conference Interpreter for the 11th Pacific Judicial Conference
Interpreted for Justices and Judges from the Republic of China

Approximately 1995:

Berlitz Global Net entered into a nationwide contract for the U.S. Department of Justice, Executive Office for Immigration Review, Office of The Chief Immigration Judge. I, personally, and sometimes my Interpretation business, known as CHITCO, then qualified as a sub-contractor to provide language interpreters for the Immigration Court on Guam. In order to qualify as a sub-contractor, I was required to meet the following requirements:

- * Be a U.S. Citizen or a Permanent Resident (Green Card)
- * Complete a Statement of Eligibility Form
- * Pass the language evaluation with a test score of 70% or higher
- * Attend and complete a Pre-Assignment Viewing
- * Complete the phone-based Interpreter Briefing

I did successfully meet all requirements. I am informed and believe that the Nationwide Berlitz contract has been taken over by Bowne Global Solutions Interpretation Services approximately two years ago.

MEMBERSHIP IN GOOD STANDING OF:

- * National Association of Judiciary Interpreters and Translators #6192
- * American Translation Association #218953

**The Administrative Office of the United States Courts
Current Fees for Contract Interpreters
(For all work performed on or after April 1, 2003)**

Certified and Professionally Qualified Interpreters:

Full Day: \$329

Half Day: \$178

Overtime: \$49 per hour or part thereof

Language Skilled (Non-Certified) Interpreters:

Full Day: \$156

Half Day: \$86

Overtime: \$27 per hour or part thereof

[Return to Federal Court Interpreter Home Page](#)



EXHIBIT "D"